

**Amendment and Response**

Applicant: Michael J. Borg et al.

Serial No.: 09/820,457

Filed: March 28, 2001

Docket No.: 10006799-1

Title: SYSTEMS AND METHODS FOR UTILIZING PRINTING DEVICE DATA IN A CUSTOMER SERVICE CENTER

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**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed September 30, 2009, in which claims 1-19 were rejected.

With this Amendment, claims 10-15 have been cancelled without prejudice, claims 26 and 27 have been added, and claims 1, 9, and 16 have been amended to clarify Applicant's invention.

Claims 1-9, 16-19, 26, and 27, therefore, remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 101**

Claims 10-15 are rejected under 35 U.S.C. 101 as being directed to more than one class of statutory subject matter.

With this Amendment, claims 10-15 have been cancelled without prejudice. The rejection of these claims under 35 U.S.C. 101, therefore, is rendered moot.

**Claim Rejections under 35 U.S.C. § 112**

Claims 1-9, 10-15, and 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this Amendment, claims 10-15 have been cancelled without prejudice. The rejection of these claims under 35 U.S.C. 112, therefore, is rendered moot.

With this Amendment, independent claim 1 (from which claims 2-9 depend) has been amended to clarify that the method includes **"receiving a replaceable printing component from a customer, the replaceable printing component previously installed in a printing device of the customer" and "retrieving printing device data from component memory of the replaceable printing component, the printing device data comprising one or more of identification information or usage information of the printing device in which the replaceable printing component was previously installed."**

With this Amendment, independent claim 16 (from which claims 17-19 depend) has been amended to clarify that the method includes **"retrieving printing device data from**

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**component memory of a plurality of replaceable printing components previously installed in printing devices, the printing device data comprising one or more of identification information or usage information of the printing devices in which the replaceable printing components were previously installed;" "compiling the printing device data into a customer database;" "accessing the printing device data of the customer database;" and "assisting a customer with resolving a problem with a printing device using the printing device data of the customer database."**

Regarding the Examiner's comment that "there is no functional antecedence for...'previously installed...' " (emphasis in original) (Detailed Action, page 4), Applicant notes that in the context of claims 1 and 16 the phrase "previously installed" refers to a condition of the replaceable printing component or components. Contrary to the assertion of the Examiner, the phrase "previously installed" does not refer to a function of the replaceable printing component or components.

More importantly, Applicant notes that asserting a lack of antecedent basis implies that a claim contains no earlier recitation or limitation of an element and that it is unclear as to what element a subsequent recitation or limitation is making reference. See MPEP 2173.05(e). In this instance Applicant notes that in the context of independent claims 1 and 16 the meaning of the phrase "previously installed" is entirely clear (i.e., the replaceable printing component was previously installed in the printing device, and the replaceable printing components were previously installed in the printing devices).

Accordingly, Applicant submits that independent claims 1 and 16, and the dependent claims depending therefrom, do particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant, therefore, respectfully requests that the rejection of claims 1-9 and 16-19 under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn.

**Claim Rejections under 35 U.S.C. § 103**

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward et al. in view of the Klinefelter et al. alone or further in view of Official Notice, and further in view of Yokomori et al.

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Claims 16-19 and 1-8 are rejected under 35 U.S.C. 103(a) as obvious over Hayward et al. in view of Klinefelter et al. alone and/or further in view of Office Notice.

Claims 16-19 and 1-8 are rejected under 35 U.S.C. 103(a) as obvious over Hardman et al. in view of Hayward et al. or vice versa.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward et al. in view of Klinefelter et al. or further in view of Official Notice, and further in view of Yokomori et al.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardman et al. in view of Hayward, and further in view of Yokomori et al.

With this Amendment, claims 10-15 have been cancelled without prejudice. The rejection of these claims under 35 U.S.C. 103(a), therefore, is rendered moot.

With this Amendment, independent claim 1 (from which claims 2-9 depend) has been amended to clarify that the method includes, amongst other things, **"receiving a replaceable printing component from a customer, the replaceable printing component previously installed in a printing device of the customer" and "retrieving printing device data from component memory of the replaceable printing component, the printing device data comprising one or more of identification information or usage information of the printing device in which the replaceable printing component was previously installed."**

With this Amendment, independent claim 16 (from which claims 17-19 depend) has been amended to clarify that the method includes, amongst other things, **"retrieving printing device data from component memory of a plurality of replaceable printing components previously installed in printing devices, the printing device data comprising one or more of identification information or usage information of the printing devices in which the replaceable printing components were previously installed."**

Independent claims 1 and 16, therefore, include retrieving printing device data from component memory of the replaceable printing component or components, wherein the printing device data comprises identification information or usage information of the printing device or devices in which the replaceable printing component or components was or were previously installed, with independent claim 1 further including receiving the replaceable

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printing component from the customer, wherein the replaceable printing component was previously installed in the printing device of the customer.

With respect to the cited references, Applicant submits that these references, individually or in combination, do not disclose a method as claimed in independent claims 1 and 16 including, amongst other things and in the combinations recited, retrieving printing device data from component memory of the replaceable printing component or components, wherein the printing device data comprises identification information or usage information of the printing device or devices in which the replaceable printing component or components was or were previously installed, and does not disclose a method as claimed in independent claim 1 further including receiving the replaceable printing component from the customer, wherein the replaceable printing component was previously installed in the printing device of the customer.

Regarding the Hayward reference, the Hayward reference relates to an automatic supply ordering system for electronically ordering a consumable component or replaceable part in a marking machine (see Hayward, Abstract). More specifically, the Hayward reference provides that:

*Conditions in the machine 10 may indicate a need to replace a consumable item or part (e.g., paper, ink, toner, cartridge, printhead, drum). Using the sensed indicia from registration, an automatic electronic customer direct supply ordering mechanism can advantageously identify a replacement part or consumable item that is needed and the proper part can then be automatically ordered and sent to the user (Hayward, col. 5, lines 6-12).*

In this regard, and with reference to Fig. 7, the Hayward reference provides that:

*When the user has filled out the purchase order screen, at S36 the browser sends the purchase order to the manufacturer's server (40, FIG. 2). Alternatively [sic], when the user has filled out the purchase order screen, at S36 the application launches an e-mail module to send the purchase order data to the manufacturer's server (40, FIG. 2) (Hayward, col. 8, lines 3-9).*

Continuing, the Hayward reference provides that:

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*The server 40 may forward an order to a supplier local to the user's location or the server 40 may process the order and ship directly to the user (Hayward, col. 8, lines 46-48).*

Thus, with the Hayward reference, an automatic supply ordering system for electronically ordering a consumable component or replaceable part of marking machine 10 is provided wherein the replacement part or consumable item that is needed is automatically ordered and sent to the user. The automatic supply ordering system of the Hayward reference, however, does not include including receiving a replaceable printing component from a customer, wherein the replaceable printing component was previously installed in a printing device of the customer.

In addition, although the Hayward reference provides that "[t]he marking apparatus 8 or a remote output device 50 may regularly or intermittently interrogate the consumable component 11 for information," the interrogated 'information' relates to "the condition of the consumable component 11" (see Hayward, col. 9, lines 12-15, 21-32, and 43-50). Such 'information', however, does not relate to the marking apparatus. As such, the automatic supply ordering system of the Hayward reference does not include retrieving printing device data from component memory of a replaceable printing component or components, wherein the printing device data comprises identification information or usage information of a printing device or devices in which the replaceable printing component or components was or were previously installed.

Accordingly, Applicant submits that the Hayward reference in combination with the other cited references, does not disclose a method as claimed in independent claim 1, and does not disclose a method as claimed in independent claim 16.

In view of the above, Applicant submits that independent claims 1 and 16, and the dependent claims depending therefrom, are each patentably distinct from the cited references and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejections under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 1-9 and 16-19 be allowed.

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#### **New Claims**

With this Amendment, new independent claims 26 and 27 have been added.

New independent claim 26 includes, amongst other things, **"receiving a used replaceable printing component from a customer;" and "retrieving printing device data from component memory of the used replaceable printing component," with "the printing device data comprising one or more of identification information or usage information of a printing device in which the used replaceable printing component was used."**

New independent claim 27 includes, amongst other things, **"after removal of a replaceable printing component from a printing device, retrieving printing device data from component memory of the replaceable printing component," with "the printing device data comprising one or more of identification information or usage information of the printing device from which the replaceable printing component was removed."**

With respect to the cited references, Applicant submits that these references, individually or in combination, do not disclose receiving a used replaceable printing component from a customer, and retrieving printing device data from component memory of the used replaceable printing component, wherein the printing device data comprises identification information or usage information of a printing device in which the used replaceable printing component was used, as claimed in new independent claim 26, and do not disclose, after removal of a replaceable printing component from a printing device, retrieving printing device data from component memory of the replaceable printing component, wherein the printing device data comprises identification information or usage information of the printing device from which the replaceable printing component was removed, as claimed in new independent claim 27.

In view of the above, Applicant submits that claims 26 and 27 are each patentably distinct from the cited references and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that claims 26 and 27 be allowed.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-9, 16-19, 26, and 27 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Response should be directed to either Victor DeVito at Telephone No. (908) 898-4307, Facsimile No. (970) 812-0443 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005.

Respectfully submitted,

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